IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 16609 of 1994

Between:

Sri Vadde Rama Rao S/o. Appaiah Garu
R/o. Ananthangar (village) Nelakondapalli Mandalam,
District, A.P.,

..... PETITIONER

AND

1 The Mandal Revenue Officer Nelakondapalli Mandalam, Nelakondapalli Khammam district, A.P.,
2 Sri Vadde Appaiah S/o. Chandraiah
R/o. Aregudem (V), Nelakondapalli Mandala, Khammam dist.
3 Smt. Vadde Eshwaramma W/o. Appaiah Garu
R/o. Aregudem (V), Nelakondapalli Mandalam, Khammam Dist., A.P.,

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ or order or direction under Article 226 of the Constitution of India, particularly one in the nature of Writ of CERTIORARI, quashing the order of the First Respondent i.e., the Mandal Revenue Officer, Nelakondapalli Mandalam, Khammam District, passed in RC.no. HA/82/94, dt. 8-8-1994 to the extent of the share of the petitioner in the lands as unjust and illegal after calling for the records and to pass such other orders.

Counsel for the Petitioner: MR.PRATTIPATI VENKATESWARLU

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent R2 & R3: None appeared

The Court made the following Order:

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI

WRIT PETITION NO.16609 OF 1994

ORDER:

This Writ Petition has been filed to quash the orders of the first respondent in Rc.No.HA/82/94 dt.8.8.1994 to the extent of the share of the petitioner lands as illegal, improper, unjust and arbitrary.

The case of the petitioner is that he is the son of respondents 2 and 3. In the partition of the joint family properties, the petitioner was given an extent of Ac.6.35 cents in Survey No.83 of Konayagudem Village along with some other properties. It is also stated that in the partition, the petitioner and his brother agreed to pay a sum of Rs.1,000/- in cash and 10 bags of rice to respondents 2 and 3 per year. It is also stated that as he failed to pay the said amount, respondents 2 and 3 filed a petition before the first respondent. Basing on the said petition, the first respondent passed orders directing the petitioner and his brother not to enter into the said lands and hence he filed the present writ petition questioning the said order.

The learned counsel for the petitioner submits that the dispute between the petitioner and respondents 2 and 3 are in civil nature and the first respondent ought not to have passed the impugned

order preventing the petitioner from entering into his land when the dispute is in civil nature and hence the impugned order is liable to be quashed.

A perusal of the impugned order, it goes to show that the dispute between the petitioner and respondents 2 and 3 is in civil nature and hence the impugned order passed by the first respondent has no force. Since the dispute is in civil nature, the petitioner is advised to avail those remedies that are available to him in accordance with law, if he so desires.

With the above observations, this Writ Petition is closed. No costs.

Mhn 8.7.2004

To

1.The Mandal Revenue Officer Nelakondapalli Mandalam, Nelakondapalli
2. Two CCs to GP for Revenue, High Court of A.P.,High Court Buildings, Hyderabad.(OUT)

3. Two CD copies.